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2013 Scores

Status: Not Free

Freedom Rating: 5.5

Civil Liberties: 5

Political Rights: 6

Overview

South Sudan's first full year of independence was marred by disputes with Sudan over border demarcations and management of the oil sector that brought both countries to the brink of war. A self-imposed oil shutdown following Sudan's excessive fee demands for the use of its pipeline crippled South Sudan's economy. Meanwhile, interethnic violence caused hundreds of deaths in Jonglei state.

The Republic of South Sudan achieved independence from Sudan in 2011, ending a decades-long struggle that included 39 years of civil war. The conflict was motivated by Southern alienation from the Northern government in Khartoum and attempts by successive regimes in the North to impose an Arab and Islamic identity on the South. South Sudan's more than 60 cultural and linguistic groups are predominantly African and practice Christianity or indigenous religions.

Resistance to the Northern government was led from 1983 by the Sudan Peoples' Liberation Army (SPLA) and its political arm, the Sudan Peoples' Liberation Movement (SPLM). The group's leader, John Garang, called not for secession of the South but for a new Sudan, governed under inclusive, secular principles. The Southern struggle was undermined by internal divisions over strategy and splits fomented by Khartoum, which often played out along ethnic lines. Shortly after the signing of the Comprehensive Peace Agreement (CPA) that ended the war in 2005, Garang died in a helicopter crash. His successor, Salva Kiir, pursued a more overtly separatist agenda.

The CPA formalized power sharing between the SPLM and the ruling political faction in Khartoum, the National Congress Party (NCP), in 2005. The two parties held seats in a national unity government, and the South, ruled by the SPLM-dominated Government of Southern Sudan (GOSS) in Juba, was granted a large degree of autonomy. While the aim of the CPA was to "make unity attractive," neither side was committed to the system it established. The GOSS focused on a provision allowing the South to hold a referendum on self-determination after six years.

The referendum was held in a peaceful and orderly fashion in January 2011. Almost 99 percent of those who participated cast their votes in favor of independence. Six months later, on July 9, 2011, South Sudan became the world's newest nation. A separate referendum to decide the future status of Abyei, a contested area on the border with Sudan, did not take place as scheduled.

Arguments over who was eligible to vote led to increased tensions, which resulted in Sudanese forces occupying Abyei, causing approximately 100,000 people to flee. In June, both sides agreed to withdraw their forces to make way for a UN peacekeeping force.

South Sudan endured a rocky start to life as an independent nation, struggling to provide basic services, tackle corruption, and bridge ethnic divisions among its impoverished citizens. Internal insecurity was a serious problem. The SPLA faced a series of armed rebellions and inter-ethnic clashes, which killed nearly 2,400 people in the first half of 2011. The situation further deteriorated in early 2012, when weeks of fighting in Jonglei state among the Lou Nuer, Bor Dinka, and Merle communities resulted in hundreds of deaths, abductions, the destruction of villages, and the displacement of thousands of people. Heavily outnumbered, the state security authorities were powerless to intervene. The UN Mission in South Sudan estimated that nearly 900 people were killed between December 2011 and February 2012 alone.

Relations with Sudan were hostile throughout 2012. Negotiations over the terms of South Sudan's independence foundered over issues including border demarcation, management of the oil sector, and the status of Southerners living in the North. In January, the government halted oil production, the source of 98 percent of its revenue, after Sudan demanded excessive fees for use of its pipeline. The decision catastrophically impacted South Sudan's economy, forcing the government to adopt austerity measures and freezing its development plans. Following a series of provocations on the disputed border with Sudan, the SPLA occupied Sudan's main oil field in March, drawing international condemnation that forced it to withdraw a month later. The two sides resumed negotiations, signing an agreement in September to resume oil production in South Sudan. The agreement addressed many of the outstanding disputes but did not include a deal on the future of Abyei. Implementation stalled, and oil production remained on hold at the end of the year.

Political Rights and Civil Liberties

South Sudan is not an electoral democracy. The transitional constitution, passed at independence, gives broad powers to the executive. The president cannot be impeached and has the authority to fire state governors and dissolve the parliament and state assemblies. A permanent constitution is due to be passed by 2015. A 60-member National Constitutional Review Commission established in January 2012 is charged with writing a draft text by early 2013, but its work has been hamstrung by administrative delays and lack of an operational budget. Some opposition politicians boycotted the constitutional consultation process, claiming it was insufficiently inclusive and dominated by SPLM loyalists. The government has begun preparations for the country's first national elections, which are scheduled for 2015, by passing an elections act in June 2012 and establishing a National Elections Commission in August.

South Sudan's parliament was reconfigured after independence. The SPLM holds 90 percent of the 332 seats in the lower house, the National Legislative Assembly (NLA). In addition to members of the old Southern legislature, the chamber includes 96 former members of the National Assembly in Khartoum and 66 additional members appointed by the president. The upper chamber, the Council of States, includes 20 former members of Sudan's Council of States, plus 30 members appointed by President Kiir. The SPLM was given all but five posts in a 29-member cabinet. South Sudan has a decentralized system, with significant powers devolved to the 10 state assemblies. Nine of the 10 state governors are members of the SPLM.

Five opposition parties are represented in the NLA, but they lack both the resources to operate effectively and the experience to formulate policy and set party platforms. The SPLM is intolerant

of opposition. It has repeatedly accused the largest opposition party, the SPLM-Democratic Change (DC), of supporting armed groups and threatened to rescind its party registration. The SPLM-DC said the allegations were part of a campaign of harassment. Accusations persist that members of the country's largest ethnic group, the Dinka, dominate the SPLM's leadership and the security services to the detriment of other groups, such as the Nuer.

Corruption is endemic and a major source of public frustration. Government appointments are typically handed to SPLM loyalists or potential spoilers with little regard to merit, and corrupt officials take advantage of inadequate budget monitoring to divert public funds. In June 2012, President Kiir offered 75 current and former officials amnesty if they returned a total of \$4 billion of public money he said they had stolen. A leading anticorruption campaigner who called for the names of the officials to be made public was kidnapped and tortured by unknown assailants. The interim constitution gives authority to the country's Anti-Corruption Commission to launch prosecutions, but it has not yet done so.

Private media in South Sudan has proliferated, with 37 FM radio stations, more than half a dozen newspapers, and several online news sites. The sole national television channel is government-owned. There is one private satellite television channel, Ebony TV. Journalists currently operate in a legal vacuum. Parliament has yet to pass three draft bills to regulate the media and establish the right of journalists to operate freely. According to the Union of Journalists of Southern Sudan, media workers avoid covering sensitive subjects such as human rights abuses and official corruption, for fear of harassment. In December 2012, Diing Chan Awuol, an online journalist who had received anonymous threats over articles critical of the SPLM leadership, was shot dead on his doorstep by unknown assailants. He was the first journalist killed since South Sudan became independent. The authorities promised a thorough investigation, though no one had been arrested by year's end. In February, a presenter with *Bakhita Radio* who tried to attend proceedings of the National Assembly was assaulted by security guards, ejected from the building, and banned indefinitely from returning. In May, a radio disc jockey was detained for hosting a phone-in program to discuss police abuses. Two newspapers – *The Citizen* and *Al Masir* – that reported on corruption allegations against the SPLM secretary general were ordered to pay damages running to tens of thousands of dollars after a court threw out the case in March. The sale of foreign newspapers from East Africa was restricted for several months, apparently because the government disapproved of the coverage it was receiving.

Religious freedom is guaranteed by the interim constitution and generally respected in practice. There are no restrictions on academic freedom. The constitution guarantees the right to free education, although access to schools is limited outside state capitals. The university system was seriously disrupted in 2012 by austerity measures and ethnic violence, which forced the closure of the country's main institution of higher learning, Juba University, for three months.

Freedoms of assembly and association are enshrined in the interim charter, and authorities typically uphold them in practice. South Sudan is highly dependent on assistance from foreign nongovernmental organizations, which operate freely in the country. However, the government has hindered the approval of visas for some nationalities and obstructed the work of international organizations it considers unhelpful. A UN human rights official was expelled in November 2012 in response to a report accusing the SPLA of committing abuses in Jonglei state. Domestic civil society organizations, including unions, remain nascent. A Workers' Trade Union Federation, formed in 2010, has 65,000 members. Legislation to codify labor rights has stalled in the National Assembly.

The interim constitution provides for an independent judiciary. The president's Supreme Court appointments must be confirmed by a two-thirds majority in the NLA. The court system is under huge strain. In 2011, the chief justice said that the courts had the capacity to handle 100,000 cases a year, but faced four times that number. He called for greater use of traditional dispute-resolution systems and mobile courts to ease the backlog.

The South Sudan Police Service (SSPS) is ill-equipped, unprofessional, and overwhelmed by the country's security challenges. There were numerous reports in 2012 of arbitrary arrest and police brutality. Factions of the SSPS are believed to be responsible for a spate of violent crime and robberies in Juba. In 2011, UN inspectors uncovered evidence of brutality and rape at the main police training academy; at least two recruits died of their injuries, and no one has been prosecuted. The National Security Service, an unregulated agency reporting directly to the president, has been responsible for arbitrary arrests and abuses.

Prison facilities are poor, with insanitary conditions and insufficient food for inmates. Children and the mentally ill are routinely detained with adult prisoners. According to Human Rights Watch, one-third of detainees are on remand. Inefficiencies in the justice system have led to indefinite detention. Approximately 200 inmates are on death row, and at least eight have been executed. Several human rights groups have called for a moratorium on the death penalty, arguing that weak rule of law means that irreversible miscarriages of justice are likely.

The state authorities are unable to protect vulnerable populations from violence, particularly in Jonglei state, where ethnic clashes have caused thousands of deaths and displacements. The government set up a commission of inquiry to investigate the violence, but it had not begun work by year's end. The army routinely performs policing functions, and the SPLA has committed serious abuses while carrying out such duties, including beating and torturing civilians during a disarmament campaign in Jonglei between March and August 2012. In December, the security services used excessive force to break up demonstrations in Western Bahr el-Ghazal, killing at least 13 civilians during several days of violence. Kenya has raised concerns about the impact of insecurity on its citizens working in South Sudan. At least five Kenyans were murdered in 2012, including a pharmacist who was assaulted by police officers.

Since 2005, more than two million refugees and internally displaced people have moved back to the South. The GRSS encouraged their return but has largely failed to provide them with even the most basic assistance.

Land use and ownership are frequent causes of conflict in South Sudan, and returning refugees have exacerbated the problem. Unclear or nonexistent laws have been exploited by SPLM officials and overseas investors to uproot people from their land.

The interim constitution guarantees the rights of women to equal pay and property ownership. Nonetheless, women are routinely exposed to discriminatory practices and domestic abuse. Women hold a quarter of the posts in the cabinet, fulfilling a constitutional gender quota. The SPLA continues to use child soldiers, despite a pledge to end the practice.

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